SUPREME COURT, U. S.

FILED

FEB 27 1974

MICHAEL RODAK, JR., CLERK

Nos. 73-983 and 73-5714

In the Supreme Court of the United States

OCTOBER TERM, 1973

WAI KWON YIP AND WAI KWOK YIP, PETITIONERS

v.

UNITED STATES OF AMERICA

PUI KAN LAM, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ROBERT H. BORK,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

In the Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-983

WAI KWON YIP AND WAI KWOK YIP, PETITIONERS

v.

UNITED STATES OF AMERICA

No. 73-5714

PUI KAN LAM, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury trial in the United States District Court for the Eastern District of New York, petitioners and a co-defendant, Pui Leung Lam, were convicted of possession of heroin with intent to distribute, in violation of 21 U.S.C. 841(a)(1).[1] Petitioner Lam was sentenced to ten years' imprisonment and a five year special parole term. Petitioners Kwon Yip and Kwok Yip were

---

[1]The petition for a writ of certiorari of co-defendant, Pui Leung Lam, No. 73-5430, is presently pending.

sentenced to five years' imprisonment and a five year special parole term. The court of appeals affirmed in a thorough opinion. (Pet. App. B).

Petitioners contend that a conversation between Lam and Kwok Yip while in a stranger's apartment, to which they had gained entrance by misrepresentation in an effort to recover narcotics believed by them to be secreted therein, was improperly intercepted in violation of the Fourth Amendment and of 18 U.S.C. 2510, *et seq.* This contention was thoroughly discussed and properly rejected by the court of appeals, in an opinion on which we rely.

It is therefore respectfully submitted that the petitions for writs of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

FEBRUARY 1974.